

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: April 16, 2012

TO: William Lansdowne, Chief, San Diego Police Department

FROM: City Attorney

SUBJECT: Proposition 26 Review of Proposed San Diego Police Department User Fees for FY 2013

INTRODUCTION

Under Council Policy 100-05, general fund departments are required to conduct comprehensive user fee studies every three years. These fee studies ensure City departments identify and recover all reasonable and allowable costs incurred in providing government services.

Financial Management staff has asked participating departments to obtain an opinion on the legality of their proposed user fee adjustments and additions from the Office of the City Attorney in light of Proposition 26. Approved by the voters in 2010, Proposition 26 amends articles XIII A and XIII C of the California Constitution to provide that a levy, charge, or exaction of any kind imposed, increased, or extended by a local government is a tax unless an exception applies. Exceptions to Proposition 26 include user fees; government service or product fees; regulatory fees; government property entrance fees; fines and penalties imposed by a court or local government; property development impact fees; and assessments and property-related fees governed by Proposition 218.¹

Each Proposition 26 exception involves its own legal standard for determining the amount of a legally permissible fee. Under article XIII C, section 1(e)(1)(2)(3) of the California Constitution, which discusses some of the exceptions to Proposition 26, no fee may exceed the reasonable cost of providing the service. However, such fees should reimburse the government entity for all reasonable direct and indirect expenses incurred. *United Business Commission v. City of San Diego*, 91 Cal. App. 3d 156, 166 (1979). As noted in *United Business Commission*, “. . . the municipality need only apply sound judgment and consider ‘probabilities according to the best honest viewpoint of informed officials’ in determining the amount of the fee.” *Id.* This Office has advised City staff to explain the link between the cost and the service provided and justify all

¹ For a fuller discussion of Proposition 26, see City Att’y MOL No. 11-3 (Mar. 4, 2011), “Proposition 26 and Its Impact on City Fees and Charges.”

fee calculations based on a study of the costs associated with the fee for Council's consideration and approval. Therefore, depending on the particular type of fee and individual department activities, staff for each City department developed their proposed user fee adjustments using the comprehensive Citywide method developed by Financial Management and Comptroller staff.²

We have reviewed a detailed summary of the San Diego Police Department's (Department) cost recovery calculations as described in Exhibit A and proposed fee adjustments as described in Exhibit B. Our Proposition 26 analysis of each fee is discussed below.

SAN DIEGO POLICE PERMIT FEES

Proposition 26 provides that certain government imposed fees are excluded from the definition of a "tax" if they fall into one of the listed, enumerated categories.

One such category includes a wide range of local government regulatory fees such as building permit fees, fire inspection fees, and police-regulated industry fees. Fees of this type are exempted if they bear relation to reasonable cost of the government expense in regulating or permitting the activity. Permitted "reasonable regulatory costs" includes: (i) issuing permits and licenses; (ii) performing investigations, inspections, and audits; and (iii) administrative enforcement and adjudication. For the Department to charge these fees, the fees must be limited to the agency's reasonable regulating costs. Cal. Const. art. XIII C, § (1)(e)(3).

Another category exempts fines, penalties, or other monetary charges imposed by the judicial branch of government or a local government, as a result of a violation of law. Police-regulated industries may be subject to fines and penalties for lack of compliance with governing regulations. Cal. Const. art. XIII C, § (1)(e)(5).

In order for the City to properly set a fee for the regulation of certain industries there must be a showing that each fee is reasonably based on the amount of government services that are expended in regulating those industries. In *California Farm Bureau v. State Water Resources Control Board*, 51 Cal. 4th 421 (2011), the Court determined that the proportionality is not measured on an individual basis but collectively, considering all rate payers. The government entity must show that the fee is related to the overall cost of the governmental regulation. The cost should be captured with reasonable certainty but it need not be finely calibrated to the precise benefit each individual fee payer might derive.

San Diego Municipal Code (SDMC) section 33.0101 provides for the regulation of certain businesses and occupations. These regulated activities are the responsibility of the Chief of

² The method was approved by Financial Management and the Comptroller and provided to the departments by Financial Management. The number (budget item) used to apportion rates (overhead and load) against direct cost is the responsibility of each department based on the contents and knowledge of their individual department activities. This Office did not independently verify or recalculate the numbers provided or the validity of the methodology.

Police, who assigns officers³ to permit, inspect, and regulate those businesses and occupations. The SDMC provides for recovery of the cost of such regulation. SDMC §§ 33.0103, 33.0307. Those costs are allocated to each industry, separately, based on cost recovery for the service provided. Such fees are likely exempt under Proposition 26. Cal. Const. art. XIII C, § 1(e)(3).

SDMC section 33.0101(a) states, “The occupations and businesses in the City of San Diego listed in this Article are subject to the City’s police power and are classified as ‘police-regulated.’” “This Article” refers to Article 3 of Chapter 3 of the San Diego Municipal Code. The following businesses and occupations are listed and regulated in Article 3 and are subject to the current adjustment of fees. The underlined titles listed are taken from Exhibit B.

Adult Entertainer

This occupation is “police regulated,” requires a permit and has numerous operating guidelines. SDMC § 33.3604. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Arcade

This activity is “police regulated,” requires a permit and has numerous operating guidelines. SDMC § 33.1635. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Auto Dismantler

This occupation is “police regulated,” requires a permit and has numerous operating guidelines. SDMC §§ 33.0101, 33.0901-33.0905. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Bingo

This activity is “police regulated,” requires a permit and has numerous operating guidelines. SDMC § 33.3403. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

³ “Officers” is used generically to refer to all ranks of both police officers and civilians.

Card Room Employee

Cardrooms are regulated by both the City and State. Under the Municipal Code, card room employees are separately required to obtain a work permit from the Chief of Police. SDMC § 33.3905. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City's reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Card Room Table Fee - Per Table

Cardrooms are regulated by both the City and State. Card rooms are charged a "per table" fee for their permits, are "police regulated," and are subject to numerous operating guidelines. SDMC § 33.3902. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City's reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Casino Party

This activity is "police regulated," requires a permit, and has numerous operating guidelines. SDMC § 33.4101. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City's reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment, Ongoing, After-Hours

This activity is "police regulated," requires a permit, and has numerous operating guidelines. SDMC § 33.0803. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City's reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment – Ongoing, Alcohol, 0-99 People

This activity is "police regulated," requires a permit, and has numerous operating guidelines. SDMC § 33.1503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City's reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment - Ongoing, Alcohol, 100-249 People

This activity is "police regulated," requires a permit, and has numerous operating guidelines. SDMC § 33.1503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City's reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment - Ongoing, Alcohol, 250-399 People

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment - Ongoing, Alcohol, 400+ People

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment – Ongoing, No Alcohol, 0-49 People

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment – Ongoing, No Alcohol, 50+ People

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment - Single Event After-Hours

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.0801. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Entertainment – Single Event, 50+ People

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Firearms Dealer

Firearm dealers are regulated by the City, State, and federal government. This activity is “police regulated”, requires a permit, and has numerous operating guidelines. SDMC § 33.4201. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Firearms Dealer Employee

Firearm dealers are regulated by the City, State, and federal government. In the City, firearm dealer employees must obtain a permit. This occupation is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.4201. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Going Out of Business

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1006. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Holistic Health Practitioner- Business

Massage activity is regulated by both the City and State. In the City, the practice of holistic health includes massage activity. This particular business is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.4403. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Holistic Health Practitioner- Individual

Massage activity is regulated by both the City and State. In the City, the practice of holistic health includes massage activity. This particular occupation is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.4403. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Massage Establishment Business

Massage activity is regulated by both the City and State. This business is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.3503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Massage Therapist

Massage activity is regulated by both the City and State. This occupation is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.3509. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Massage Therapist Off-Premise Business

Massage activity is regulated by both the City and State. This business is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.3510. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Money Exchange

Money exchange houses are regulated by the City, and there are state laws addressing money exchange houses. This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.4302. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Nude Entertainer Business/Club

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.3603. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Outcall Nude Entertainer

This occupation is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.2803. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Outcall Nude Entertainer Business

This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.2803. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Pawnshop

Pawnshops are regulated by both the City and State. This business is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1101. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Peep Show Booth

This activity is “police regulated,” requires a permit and has numerous operating guidelines. SDMC § 33.3303. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Poolroom/BowlingAlley

Each of these activities are “police regulated,” each requires a permit and have numerous operating guidelines. SDMC § 33.1600. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Promoter

This occupation is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.0703. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Secondhand Dealer

Secondhand dealers are regulated by both the City and State. This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1101. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Solicitor

This occupation is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.1402. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Swap Meet

Swap meets are regulated by the City, and there are state laws addressing swap meets. This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.3204. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

Tobacco Retailer

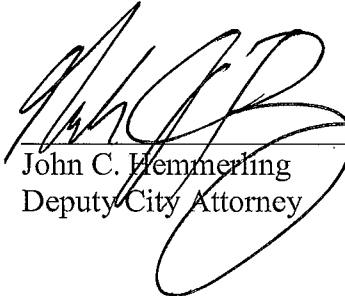
Tobacco retailers are regulated by both the City and State. This activity is “police regulated,” requires a permit, and has numerous operating guidelines. SDMC § 33.4503. We believe this fee is defensible as an exception to Proposition 26 because it is a charge imposed for the City’s reasonable regulatory costs. Cal. Const. art. XIII and XIII C, § 1(e)(3).

CONCLUSION

All police permit fees for police-regulated businesses and occupations submitted for this Office’s review and contained in Article 3 of the San Diego Municipal Code are fees that are defensible under Proposition 26. The charges are based on the reasonable regulatory costs, including issuing permits, performing investigations and inspections, and for the administrative enforcement relating to those activities.

JAN I. GOLDSMITH, City Attorney

By

 for

John C. Hemmerling
Deputy City Attorney

JCH:jdf:amt

Attachments: Exhibits A and B

cc: Mark Leonard, Department Director of Financial Management

MS-2012-16

Exhibit A

Fiscal Year 2013 Proposed User Fee Adjustments

Cost Recovery Calculations

EXHIBIT A

Administrative and Enforcement Hours Spent on Permits, by Permit Type

Revenue Acct	ENTERTAINMENT																416024	416025				
	416025	422044/b	416032	416016	416015	422044/c	416034	416210	416211	416212	416213	416189	416037	416155	416038	416033			416033	416049	416039	416156
Name	Adult Entertainment	Arcade	Auto Dismantler	Bingo	Card room Employee	Card room table fee - per table	Casino Party	On-going After hrs	On-going Alcohol, 0-99	On-going Alcohol, 100-249 people	On-going Alcohol, 250-399 people	On-going Alcohol, 400+ people	On-going, no Alc, 0-49 people	On-going, no Alc, 50+ people	Single Event - After hrs	Single Event - 50+ people	Firms/Healer	Firms/Healer	Going out of Business	HHR Individual	HHR Business	Message off-Premise
Estimated # permits	929	10	69	9	201	22	16	9	25	123	63	63	59	5	17	147	26	270	2	190	16	46
Estimated Annual Hours per permit	0.11	0.00	0.02	0.00	0.10	0.14	0.02	1.15	1.32	1.33	1.32	1.32	0.40	0.00	0.03	0.10	1.14	0.12	0.09	0.17	1.18	0.16
SGT Total	0.47	1.20	5.22	1.00	4.45	2.81	4.45	2.80	4.96	5.19	5.54	5.54	1.92	1.92	4.52	19.54	0.39	0.71	0.87	6.26	8.05	0.75
Det. Sgt Total	0.15	0.00	0.00	0.00	0.00	8.61	0.00	0.00	3.36	4.56	1.79	36.00	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.03	1.40	0.00
Detective Total	1.94	0.00	0.00	0.00	0.00	30.00	0.00	0.00	12.00	21.75	36.00	0.00	0.00	0.00	0.00	0.04	0.00	0.00	0.00	0.08	3.46	0.00
Current Fee	\$245	\$72	\$344	\$65	\$3,090	\$65	\$1,927	\$494	\$1,500	\$2,362	\$9,970	\$283	\$718	\$1,145	\$3,931	\$1,752	\$660	\$0	\$128	\$175	\$1,693	\$80
Proposed Fee	\$238	\$100	\$438	\$83	\$3,689	\$237	\$4,448	\$4,448	\$1,500	\$1,977	\$9,970	\$283	\$718	\$1,145	\$3,931	\$1,752	\$660	\$45	\$69	\$101	\$1,104	\$2,042
Estimated Cost Recovery	\$221,748	\$1,004	\$30,229	\$753	\$10,514	\$81,167	\$3,799	\$4,448	\$44,064	\$243,242	\$1,886,184	\$235,233	\$861	\$3,660	\$6,484	\$25,821	\$45,648	\$12,199	\$139	\$19,280	\$19,875	\$5,848

TOTAL ANNUAL HOURS PER INDUSTRY

ADMINISTRATION	99	0	1	0	21	3	0	10	33	163	83	78	2	0	0	14	30	33	0	32	21	149	8
Sgt	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0
P.O.I.	399	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	144	98	648	36
P.O.I.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
P.O.I.	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
P.O.I.	8	12	0	0	99	26	0	38	70	610	327	327	8	25	2	20	0	0	0	0	0	0	0
P.O.I.	15	100	0	0	45	0	0	0	75	262	500	96	137	15	15	15	15	15	15	15	15	15	15
ADMIN. TOTAL	583	12	361	9	120	29	45	50	103	773	410	405	10	28	77	296	538	137	2	197	134	833	44
SQUAD 820	72	0	0	0	0	125	0	0	31	118	163	90	0	0	0	2	0	0	0	0	6	10	90
Det. Sgt.	600	0	0	0	0	220	0	0	75	492	450	708	0	0	0	6	0	0	0	15	19	280	0
Det. 4.00 FTEs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SQUAD 840	48	0	0	0	0	45	0	0	48	207	116	11	0	0	0	0	0	0	0	0	0	82	0
Det. Sgt.	600	0	0	0	0	220	0	0	75	492	460	708	0	0	0	0	0	0	0	0	0	280	0
Det. 4.00 FTEs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SQUAD 850	23	0	0	0	0	19	0	0	60	89	8	5	0	0	0	0	0	0	0	0	0	15	73
Det. Sgt.	600	0	0	0	0	220	0	0	75	492	460	708	0	0	0	0	0	0	0	0	0	43	280
Det. 4.00 FTEs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23	87	
OPERATIONS TOTAL	1,944	-	-	-	-	850	-	-	364	1,890	1,657	2,230	-	15	-	8	-	-	-	23	87	1,085	-

TOTAL ANNUAL COSTS PER INDUSTRY

ADMINISTRATION	\$10,527	\$0	\$115	\$0	\$2,233	\$319	\$35	\$1,097	\$3,509	\$17,332	\$8,825	\$8,294	\$213	\$0	\$51	\$1,489	\$3,152	\$3,498	\$19	\$3,386	\$2,260	\$15,847	\$834
Sgt	\$628	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$502	\$0	\$22	\$0
P.O.I.	\$3,417	\$0	\$0	\$0	\$0	\$173	\$0	\$173	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$12,021	\$8,164	\$54,229	\$3,014
P.O.I.	\$0	\$0	\$21,749	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$671	\$671	\$0	\$0	\$0	\$0	\$0
P.O.I.	\$559	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$120	\$0	\$837	\$0
P.O.I.	\$1,004	\$0	\$0	\$0	\$753	\$2,175	\$0	\$3,179	\$5,856	\$51,027	\$27,354	\$648	\$2,091	\$1,600	\$1,673	\$0	\$0	\$0	\$0	\$120	\$0	\$2,153	\$0
P.O.I.	\$1,255	\$0	\$8,365	\$0	\$0	\$3,764	\$0	\$4,448	\$9,864	\$88,358	\$96,179	\$661	\$2,330	\$6,484	\$25,078	\$45,648	\$12,199	\$139	\$17,164	\$11,679	\$73,089	\$3,848	
P.O.I. - vacant	\$46,855	\$1,004	\$30,229	\$753	\$10,514	\$2,494	\$3,799	\$4,448	\$44,064	\$243,242	\$1,886,184	\$235,233	\$861	\$3,660	\$6,484	\$25,821	\$45,648	\$12,199	\$139	\$19,280	\$19,875	\$5,848	
ADMIN TOTAL	\$7,656	\$0	\$0	\$0	\$0	\$13,291	\$0	\$0	\$3,259	\$12,520	\$17,322	\$9,604	\$0	\$0	\$0	\$172	\$0	\$0	\$0	\$686	\$1,029	\$9,604	\$0
Det. Sgt.	\$53,702	\$0	\$0	\$0	\$0	\$19,507	\$0	\$0	\$6,650	\$43,626	\$39,902	\$62,778	\$0	\$0	\$0	\$572	\$0	\$0	\$0	\$1,430	\$1,716	\$24,828	\$0
Det. 3.00 FTEs	\$5,145	\$0	\$0	\$0	\$0	\$4,802	\$0	\$0	\$5,145	\$22,055	\$12,348	\$1,132	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$8,747	\$0
SQUAD 840	\$53,202	\$0	\$0	\$0	\$0	\$19,507	\$0	\$0	\$6,650	\$43,626	\$40,788	\$62,778	\$0	\$0	\$0	\$443	\$0	\$0	\$0	\$0	\$0	\$24,828	\$0
Det. Sgt.	\$2,487	\$0	\$0	\$0	\$0	\$2,058	\$0	\$0	\$6,346	\$9,433	\$858	\$515	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,646	\$0
Det. 3.00 FTEs	\$53,202	\$0	\$0	\$0	\$0	\$19,507	\$0	\$0	\$6,650	\$43,626	\$40,788	\$62,778	\$0	\$0	\$0	\$443	\$0	\$0	\$0	\$0	\$0	\$24,828	\$0
OPERATIONS TOTAL	\$174,894	\$0	\$0	\$0	\$0	\$78,673	\$0	\$0	\$34,700	\$174,884	\$159,585	\$199,585	\$0	\$0	\$0	\$744	\$0	\$0	\$0	\$2,116	\$8,196	\$100,551	\$0

FY12 Hourly Rate (Includes Fringe and Overhead)

Sgt. Expense	106.33
Detective Expense	88.67
Officer Expense	83.65

* Alarm fees are calculated with a different formula that includes response time.

Administrative and En Spent on Permits, by

Revenue Acct	416023	416042	416043	416044	416045	416046	416047	416048	416049	416050	416051	416052	416053	416054	416055	416056	Total Expense or Hours	FTE (total/ 1732 hours)
	140	40	42	14	48	4	61	223	10	29	387	117	3	1,199	4,846	9,970		
<i>Estimated Annual Hours per perm</i>																		
Sgt Total	0.23	0.00	0.09	2.23	0.15	0.09	1.07	0.19	0.34	0.11	0.14	0.22	0.67	0.17				
Officer Total	1.05	1.61	10.23	14.06	1.03	0.71	8.79	1.03	1.00	1.45	1.66	1.70	19.29	1.35				
Det. Sgt Total	0.17	0.00	0.00	0.00	0.69	0.00	0.00	0.26	0.00	0.00	0.00	0.00	0.00	0.00				
Detective Total	0.72	5.89	0.00	36.00	4.20	96.00	0.03	0.84	0.00	2.00	0.00	0.00	0.00	0.00				
Current Fee	\$85	\$197	\$505	\$5,656	\$628	\$15,702	\$249	\$207	\$72	\$654	\$123	\$54	\$1,276	\$212				
Proposed Fee	\$193	\$693	\$865	\$5,562	\$744	\$9,219	\$851	\$207	\$119	\$310	\$153	\$166	\$1,684	\$131				
Estimated Cost Recovery	\$27,114	\$27,740	\$36,335	\$77,875	\$35,732	\$36,879	\$51,912	\$46,344	\$1,195	\$9,004	\$59,299	\$19,428	\$5,053	\$157,559	n/a	n/a	\$1,967,311	

TOTAL ANNUAL

ADMINISTRATION	416023	416042	416043	416044	416045	416046	416047	416048	416049	416050	416051	416052	416053	416054	416055	416056	Total Expense or Hours	FTE (total/ 1732 hours)
Sgt	32	0	4	31	7	0	65	42	3	3	54	26	2	209	260	213	1,732	1.00
P.O.I.	0	0	2	1	11	0	8	0	0	0	8	5	0	19	800	865	1,732	1.00
P.O.I.I	147	0	0	140	0	0	8	0	0	0	16	5	8	38	19	23	1,732	1.00
P.O.I.II	0	0	260	27	0	0	502	16	0	0	606	21	0	24	0	0	1,732	1.00
P.O.I.III	0	0	0	14	29	3	6	13	0	0	159	0	0	1480	6	4	1,732	1.00
P.O.I.IV	0	0	0	15	1	0	6	0	10	13	0	4	0	27	0	0	1,683	0.97
P.O.I.VI	0	168	0	0	0	0	6	200	29	10	5	50	30	30	30	30	1,621	0.94
ADMIN. TOTAL	179	168	433	228	47	3	601	270	13	45	694	225	60	1,827	1,085	1,105	11,964	6.91

TOTAL ANNUAL

ADMINISTRATION	416023	416042	416043	416044	416045	416046	416047	416048	416049	416050	416051	416052	416053	416054	416055	416056	Total Expense or Hours	FTE (total/ 1732 hours)
Sgt	\$3,402	\$0	\$387	\$2,323	\$786	\$38	\$6,909	\$4,415	\$558	\$348	\$5,716	\$2,765	\$213	\$22,174	\$0	\$0	\$133,868	
P.O.I. Gonzalez Reed	\$0	\$0	\$135	\$67	\$898	\$0	\$711	\$0	\$0	\$0	\$681	\$381	\$0	\$1,589	\$0	\$0	\$5,614	
P.O.I. Choi	\$12,287	\$0	\$12	\$11,711	\$0	\$0	\$669	\$0	\$0	\$0	\$1,374	\$416	\$658	\$3,179	\$0	\$0	\$141,324	
P.O.I. Martinez	\$0	\$0	\$21,749	\$2,236	\$0	\$0	\$41,992	\$1,341	\$0	\$0	\$50,692	\$1,789	\$0	\$2,012	\$0	\$0	\$144,902	
P.O.I. Meyer	\$0	\$0	\$0	\$1,196	\$2,392	\$239	\$478	\$1,076	\$0	\$0	\$0	\$13,300	\$0	\$123,802	\$0	\$0	\$144,038	
P.O.I. Gatz	\$0	\$0	\$0	\$1,255	\$60	\$0	\$508	\$0	\$837	\$1,087	\$0	\$359	\$0	\$2,293	\$0	\$0	\$140,773	
P.O.I. - vacant	\$0	\$14,053	\$0	\$0	\$0	\$0	\$502	\$16,730	\$0	\$2,426	\$837	\$418	\$4,183	\$2,510	\$0	\$0	\$135,597	
ADMIN TOTAL	\$15,689	\$14,053	\$46,335	\$19,788	\$4,136	\$278	\$51,769	\$25,963	\$1,195	\$9,661	\$59,299	\$19,428	\$5,053	\$157,559	\$0	\$0	\$846,117	
SQUAD 820	\$1,715	\$2,401	\$0	\$4,466	\$6,860	\$851	\$0	\$1,029	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$92,462	
Det. Sgt.	\$7,994	\$7,151	\$0	\$14,897	\$8,338	\$11,950	\$0	\$2,860	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$307,144	
SQUAD 840	\$0	\$4,459	\$0	\$4,466	\$6,860	\$851	\$0	\$5,259	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$79,267	
Det. Sgt.	\$858	\$13,730	\$0	\$14,897	\$8,938	\$11,950	\$0	\$12,013	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$313,608	
SQUAD 850	\$0	\$0	\$0	\$4,466	\$6,860	\$851	\$0	\$14,818	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$38,965	
Det. Sgt.	\$772	\$0	\$0	\$4,466	\$6,860	\$851	\$0	\$14,818	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$289,748	
Det. 3.00 FTEs	\$787	\$0	\$0	\$14,897	\$8,338	\$11,950	\$143	\$1,802	\$0	\$5,143	\$0	\$0	\$0	\$0	\$0	\$0	\$289,748	
OPERATIONS TOTAL	\$11,428	\$27,740	\$0	\$58,087	\$31,996	\$36,601	\$143	\$22,791	\$0	\$5,143	\$0	\$0	\$0	\$0	\$0	\$0	\$1,121,194	

FY12 Hourly Rate (includes Fring
Sgt. Expense
Detective Expense
Officer Expense

Exhibit B
Fiscal Year 2013 Proposed User Fee Adjustments
Department Summary

EXHIBIT B

SAN DIEGO POLICE DEPARTMENT FY 13 FEES

PERMIT #	PERMIT NAME	Permit Frequency	Existing Fee	Proposed FY13 Fee	Permit Fee Difference
416025	Adult Entertainer	929	\$245	\$238	-\$7
422044/B	Arcade	10	\$72	\$100	\$28
416032	Auto Dismantler	69	\$344	\$438	\$94
416016	Bingo	9	\$65	\$83	\$18
416053	Card Room Employee	201	\$65	\$52	-\$13
416053	Card Room Owner/Business		\$25	\$0	-\$25
416015	Card Room Table Fee - Per Table	22	\$3,090	\$3,689	\$599
422044/C	Casino Party	16	\$65	\$237	\$172
416049/G	Curb Painter Regulatory		\$59	\$0	-\$59
416034	Entertainment - Ongoing After Hours	9	\$1,927	\$494	-\$1,433
416210	Entertainment - Ongoing, Alcohol, 0 - 99 People	25	\$1,500	\$1,500	\$0
416211	Entertainment - Ongoing, Alcohol, 100-249 People	123	\$2,382	\$1,977	-\$405
416212	Entertainment - Ongoing, Alcohol, 250-399 People	63	\$3,176	\$2,987	-\$189
416213	Entertainment - Ongoing, Alcohol, 400+ People	59	\$3,987	\$3,987	\$0
416169	Entertainment - Ongoing, No Alcohol, 0 - 49 People	5	\$283	\$172	-\$111
416037	Entertainment - Ongoing, No Alcohol, 50+ People	5	\$718	\$732	\$14
416155	Entertainment - Single Event After Hours	17	\$1,145	\$381	-\$764
416170	Entertainment - Single Event, 0 - 49 people		\$201	\$0	-\$201
416038	Entertainment - Single Event, 50+ people	147	\$1,252	\$175	-\$1,077
416033/A	Firearms Dealer	26	\$660	\$1,755	\$1,095
416033/B	Firearms Dealer Employee	270	\$104	\$45	-\$59
416049/A	Going out-of-Business	2	\$128	\$69	-\$59
416156	Holistic Health Practitioner - Business	18	\$1,693	\$1,104	-\$589
416039	Holistic Health Practitioner - Individual	190	\$175	\$101	-\$74
422044	Investigative Fee		\$104	\$0	-\$104
416024	Massage Establishment Business	85	\$1,707	\$2,042	\$335
416023	Massage Therapist	148	\$237	\$193	-\$44
416042	Massage Therapist Off-Premise Business	40	\$552	\$693	\$141
416023	Massage Trainee		\$573	\$0	-\$573
416018	Money Exchange Business	42	\$505	\$865	\$360
416017	Nude Entertainment Business/Club	14	\$5,656	\$5,562	-\$94
416031	Outcall Nude Entertainer	48	\$940	\$744	-\$196
416030	Outcall Nude Entertainment Business	4	\$15,702	\$9,219	-\$6,483
416027	Pawnshop	61	\$249	\$851	\$602
416021	Peep Show Booth	223	\$200	\$207	\$7
422044/A	Poolroom/Bowling Alley	10	\$72	\$119	\$47
416041	Promoter	29	\$654	\$310	-\$344
416026	Secondhand Dealer	387	\$123	\$153	\$30
416049/B	Solicitor	109	\$54	\$166	\$112
416052	Swap Meet	3	\$1,276	\$1,684	\$408
416052	Swap Meet Quarterly		\$319	\$0	-\$319
422044	Tobacco Application fee		\$104	\$0	-\$104
416167	Tobacco Retailer	1,199	\$212	\$131	-\$81